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C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 002535

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TAGS: PGOV PREL KCRM EUN BK

SUBJECT: BOSNIA: POLICE REFORM AGREEMENT GIVES DODIK MORE
LEVERAGE OVER WOBBLY EUROPEANS

REF: SARAJEVO 2158

Classified By: Ambassador Charles English for reasons 1.4(b), (d)

¶11. (SBU) Summary: Leaders of the six governing political parties adopted an Action Plan on Police Reform during a meeting in Sarajevo on November 22 (see paragraph six below).

The Action Plan lays out a timetable for implementing the October 28 Mostar Declaration, which had reaffirmed the three EU principles and linked police reform with constitutional reform. The Action Plan calls for the creation of a number of State-level police support bodies, but delays decisions on the state-level policing structure and local police bodies until after the constitutional reform process. Although press reports disputed whether the document was agreed to by all parties, OHR sources tell us they have a copy signed by all six party leaders. It is unclear whether this agreement would be sufficient to initial an SAA with the EU. Republika Srpska (RS) Prime Minister Milorad Dodik indicated he might block implementation of the agreement unless High Representative Miroslav Lajcak amends his October 19 measures. Ironically, Dodik may now have more leverage in his ongoing confrontation with the HighRep and the international community than he did before the November 22 police reform action plan. End Summary

Police Reform Action Plan

¶12. (SBU) In the second of series of political talks, leaders of SDA, SBiH, HDZ-BiH, HDZ-1990, SNSD, and PDP met in Sarajevo on November 22. (Note: The six parties are part of the state-level ruling coalition. End Note) Their four-hour discussion focused on the current political crisis and police reform. The leaders adopted an Action Plan, tabled by SBiH President Haris Silajdzic, to implement the terms of an agreement they had reached on police reform on October 28 in Mostar. The Mostar Declaration had reaffirmed a commitment to police reform in line with the three EU principles but stated the ultimate state-level police structure would be determined by the outcome of upcoming constitutional reform talks.

¶13. (SBU) The Action Plan calls upon the Council of Ministers and State-Level Parliament within six months to propose and adopt legislation to establish the following state-level institutions: Directorate for Coordination of the Police, an Institute for Forensics, Police Academy, Police Support Agency, Independent Board, Citizens Complaint Board, and Police Officials Complaint Board. The relationship between these new state-level institutions and local police bodies will be regulated by a new single police structure determined

through the constitutional reform process. Similarly, issues of local policing (i.e., the structure and nature of local police bodies) will be determined after constitutional reform. The Plan calls for the creation of a new law on Police Service and Law on police officials to be adopted within one year after the adoption of a new Constitution. (Note: The action plan does not call for the creation of a state-level body charged with implementing police reform, as we understood was called for in Silajdzic's initial proposal. End Note)

Hopes for SAA

¶4. (C) As with the Mostar Declaration on Police Reform, political party leaders adopted the Action Plan in the hopes that the EC will consider it sufficient for the initializing of a Stabilization and Association Agreement (SAA). At the Steering Board Ambassadors meeting today, Lajcak said the Action Plan was a positive signal that political leaders were willing to establish a police reform process with firm deadlines. Most EU Ambassadors joined Lajcak in welcoming the agreement and encouraging the leaders to keep talking. It fell to the UK Ambassador to remind his colleagues that the Action Plan has little substance and falls far short from what he EU had in mind when it established police reform as a SAA requirement.

Comment

¶5. (C) By delaying most contentious issues of unified command structure and local police bodies, the Action Plan

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brings Bosnian political leaders little closer to a genuine police reform deal. Even if the EU accepted this deal as a basis for initializing the SAA, actual police reform implementation is a requirement for signing the SAA. Contentious issues, such as the continued existence of the RS police, still have to be resolved, but would not be until after constitutional reform - a process that could take two to three years. Furthermore, there may be a dark lining to this apparently "silver cloud". After the political talks, Dodik announced that he would not implement the Action Plan until the current crisis over the HiRep's October 19 Decisions is resolved, and by "resolution" he apparently means amending the measures. This could now put even greater pressure on Lajcak to make concessions on the October 19 decisions. If Lajcak refuses to amend the measures, Dodik can argue that Lajcak's intransigence is preventing the implementation of police reform and blocking the SAA.

Text of Action Plan

¶6. (U) Begin Text of Action Plan for Implementation of the Mostar Declaration:

Action Plan for Implementation of the Mostar Declaration

With aim to fulfill commitments needed for initializing and signing the Stabilization and Association Agreement

In the spirit of the Mostar Declaration of 28.10.2007, the signatories of the present Plan agree to undertake all necessary activities for implementation of the below mentioned items and observe deadlines as outlined therein.

Guided by an idea of determination to meet the conditions for implementation of the Police Reform in accordance with the three European principles, we are determined to:

- a) establish the following State bodies for the level of BiH: Directorate for coordination of the Police with aim to improve efficiency of the work of relevant police bodies in

Bosnia and Herzegovina and effectiveness of the communication at the level of Bosnia and Herzegovina with relevant international institutions; Institute for forensics; Institute for education and professional upgrading of personnel; Police Support Agency; Independent Board; Citizens Complaint Board; and Police Officials Complaint Board;

Relevant issues of relationship between these and local police bodies shall be regulated through a new and single police structure of BiH, on the basis of the three principles of the European Commission, and which shall be established pursuant to the provisions of the Constitution of BiH to be elaborated in a constitutional reform process;

b) The local level, as part of the single police structure in BiH, shall be regulated in accordance with the three principles of the European Commission and the Mostar Declaration after the reform of the Constitution, while the Law on Police Service and Law on Police Official shall be adopted no later than one year after the adoption of the new Constitution of BiH.

c) The signatories agree that, at the proposal of the Council of Ministers, the Parliamentary Assembly of BiH shall, no later than 6 months from the day of adoption of the present Document by the Council of Ministers of BiH, adopt legislation necessary for establishing of bodies mentioned in the present Action Plan.

Aware of the importance of the political momentum in Bosnia and Herzegovina, as well as the need to pursue as soon as possible the process of integration of Bosnia and Herzegovina with the European Union, the signatories of the present Plan are committed to proceed, without delay, with the full implementation of the above mentioned principles.

For HDZBiH	dr. Dragan Covic
For HDZ1990	dr. Bozo Ljubic
For PDP	dr. Mladen Ivanic
For SNSD	Milorad Dodik
For SDA	Sulejman Tihic
For SBiH	dr. Haris Silajdzic

Sarajevo, 22.11.2007

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End of Text of Action Plan.
ENGLISH